

Application No.: 10/558,270

REMARKS

This Amendment is being filed in response to the Office Action dated April 14, 2009. No new matter is introduced by this amendment. Support for the claim amendments is found throughout the amendments and claims, as originally filed. For the following reasons this application should be allowed and the case passed to issue.

Claims 1-44 are pending in this application. Claims 1-6, 9-14, 17-20, and 25-28 were rejected. Claims 7, 8, 15, 16, 21-24, and 29-32 were objected to. Claims 1, 4, 6-17, 20-23, 25-33, 35, 36, and 39-44 are amended in this response. Claim 45 is canceled in this response.

Claim Rejections – 35 U.S.C. § 101

Claims 9-14, 25-28 and 39-44 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. This rejection is traversed, and reconsideration and withdrawal thereof respectfully requested.

Claims 9-14, 25-28 and 39-44 have been amended to address the asserted informalities. Applicants submit that the claims fully comport with the requirements of 35 U.S.C. § 101.

Claim Objections

Claims 8, 16, 21-24 and 29-32 were objected to under 37 C.F.R. § 1.75(c) as being in improper form because a multiple dependent claim, cannot depend from another multiple dependent claim. This objection is traversed, and reconsideration and withdrawal thereof respectfully requested.

In response to this objection, the claims have been amended to address the asserted informalities.

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Claim Rejections – 35 U.S.C. § 102

Claims 1-6 and 9-14 were rejected under 35 USC 102(c) as being anticipated by Harman (US 2002/0118275). This rejection is traversed, and reconsideration and withdrawal thereof respectfully requested.

Harman produces left eye images and right eye images for all objects in the image to display the image stereoscopically (see paragraphs [0063]-[0066]). By contrast, in the present invention, only a portion of descriptions in a file (e.g. "EF" in FIG. 4), not all descriptions in the file, are subject to a stereoscopic viewing-use process.

Harman does not anticipate the claimed stereoscopic image display apparatus and processor readable medium because Harman does not disclose a means for determining only a portion of descriptions in a file subject to a stereoscopic viewing-use process out of the descriptions in the file and a means for determining a phase deviation amount and a deviation direction of an object to be stereoscopically displayed based on the portion of descriptions subject to the stereoscopic viewing-use process, as required by claim 1; and determining only a portion of descriptions in a file subject to a stereoscopic viewing-use process out of the descriptions in the file and determining a phase deviation amount and a deviation direction of an object to be stereoscopically displayed based on the description indicating the stereoscopic viewing-use process, as required by claim 9.

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the disclosure in a single reference of each element of a claimed invention. *Helifix Ltd. v. Blok-Lok Ltd.*, 208 F.3d 1339, 54 USPQ2d 1299 (Fed. Cir. 2000); *Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994); *Hoover Group, Inc. v.*

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Custom Metalcraft, Inc., 66 F.3d 399, 36 USPQ2d 1101 (Fed. Cir. 1995); *Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992); *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). Because Harman does not disclose all the limitations of the claimed stereoscopic image display apparatus and processor readable medium, as required by claims 1 and 9, Harman does not anticipate claims 1 and 9.

Applicants further submit that Harman does not suggest the claimed stereoscopic image display apparatus and processor readable medium.

Claim Rejections – 35 U.S.C. § 103

Claims 17-20 and 25-28 were rejected under 35 USC 103(a) as being unpatentable over Harman in view of Tomita (US 2002/0008906). This rejection is traversed, and reconsideration and withdrawal thereof respectfully requested.

The combination of Harman and Tomita do not suggest the claimed stereoscopic image display apparatus and processor readable medium because Harman and Tomita, whether taken alone or taken in combination, do not suggest a means for determining whether or not there is attribute information on a character subject to a stereoscopic viewing-use process regarding characters in the file, wherein only a portion of the characters in the file are displayed stereoscopically, as required by claim 17; and determining whether or not there is attribute information on a character subject to a stereoscopic viewing-use process regarding each character in a file, wherein only a portion of the characters in the file are displayed stereoscopically, as required by claim 25.

Claims 33-45 were rejected under 35 USC 103(a) as being unpatentable over Hisatomi et al. (US 2002/0171857) in view of Yanosy et al. (US 2004/0216147) and further in view of

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Tomita. This rejection is traversed, and reconsideration and withdrawal thereof respectfully requested.

The combination of Hisatomi et al., Yanosy et al., and Tomita do not suggest the claimed text data processing apparatuses and processor readable media because Hisatomi et al., Yanosy et al., and Tomita, whether taken alone or taken in combination, do not suggest text data processing apparatuses wherein only a portion of the text data is displayed stereoscopically, as required by claims 33 and 36; and processor-readable media tangibly embodying a set of processor-executable instructions, wherein execution of the instructions causes a processor to provide a computer with a text data conversion function wherein only a portion of the text data is displayed stereoscopically, as required by claims 39 and 42.

Obviousness can be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge readily available to one of ordinary skill in the art. *In re Kahn*, 441 F.3d 977, 986, 78 USPQ2d 1329, 1335 (Fed. Cir. 22006); *In re Kotzab*, 217 F.3d 1365, 1370 55 USPQ2d 1313, 1317 (Fed. Cir. 2000); *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). There is no suggestion in Harman, Tomita, Hisatomi et al., or Yanosy et al. to modify the stereoscopic image display apparatus and processor readable medium of Harman to include a means for determining whether or not there is attribute information on a character subject to a stereoscopic viewing-use process regarding characters in the file, wherein only a portion of the characters in the file are displayed stereoscopically, as required by claim 17; to determine whether or not there is attribute information on a character subject to a stereoscopic viewing-use process regarding each character in a file, wherein only a

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portion of the characters in the file are displayed stereoscopically, as required by claim 25; or to modify the text data processing apparatus of Hisatomi et al. wherein only a portion of the text data is displayed stereoscopically, as required by claims 33 and 36; and the processor-readable medium tangibly embodying a set of processor-executable instructions of Hisatomi et al., wherein execution of the instructions causes a processor to provide a computer with a text data conversion function wherein only a portion of the text data is displayed stereoscopically, as required by claims 39 and 42.

The only teachings of the claimed stereoscopic image display apparatus, processor readable media, and text data processing apparatuses are found in Applicants' disclosure. However, the teaching or suggestion to make a claimed combination and the reasonable expectation of success must not be based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

In view of the above amendments and remarks, Applicants submit that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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